
Judiciary Committee

SSB 5903

Title: An act relating to duties of the director of the office of public defense.

Brief Description: Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings.

Sponsors: Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen; by request of Office of Public Defense.

Brief Summary of Substitute Bill
<ul style="list-style-type: none">Requires the Office of Public Defense to oversee and monitor legal representation of parents in dependency and termination cases.

Hearing Date:

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The Office of Public Defense (OPD), created in 1996 and scheduled to sunset in 2009, administers state-funded indigent defense services for criminal appeals. The OPD also recommends criteria and standards for determining and verifying indigency, coordinates with the Supreme Court and the appellate courts to determine how attorney services should be provided, and provides studies and recommendations to the Legislature regarding indigent defense services. The Director of the OPD is appointed by the state Supreme Court and is supervised by an 11-member advisory committee consisting of judicial representatives, legislators, attorneys, and lay people.

Child dependency cases are generally initiated when the Department of Social and Health Services (DSHS) files a petition alleging a child is abandoned, abused, or neglected. The court may enter an order removing the child from the parents' home. The DSHS is required to offer services to parents so they have the opportunity to address their parenting deficiencies and be reunited with their child. In some cases, the DSHS may file a petition to terminate the parent-child relationship, and the court may terminate the relationship if it finds by clear, cogent, and convincing evidence that certain statutory conditions are met.

Parents have a statutory right to counsel in child dependency and termination proceedings brought by the state. The state is represented by the Attorney General's Office. Defense attorneys appointed by the counties represent the parents.

In 2000, the Legislature appropriated money to the OPD to conduct a pilot program for legal representation in dependency and termination hearings in Benton-Franklin and Pierce counties. In 2001, the Legislature requested that the OPD develop criteria for a statewide program for improved parents' representation in dependency and termination cases.

Summary of Substitute Bill:

Subject to available funds, the OPD must oversee and monitor legal representation for parents in dependency and termination cases. The OPD must require attorneys and agencies providing representation to comply with maximum caseload requirements, implement enhanced defense attorney practice standards, and use investigative and expert services in appropriate cases.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.